Montana Legislative History

Chapter: 367 Session L: 2003

Bill Number: 563 House

Checklist of Bill History

History and Final Status Sheet	X
Introduced Bill	X
Fiscal Note	☐
Third Reading Bill	X
Final Version of Bill	X

House

Committee: State Administration

Hearing Date(s):
Feb. 19, 2003
Feb. 20, 2003

Committee Report:

Senate

Committee: State Administration

Hearing Date(s):
March 12, 2003
March 27, 2003

Committee Report:

Conference Committee

Hearing Date(s): n/s

Conference Committee Report:

Compiler Notes

Compiled by: smg

Date: Jan. 18, 2023

Notes:

Bill Draft Number: LC0939
Bill Type - Number: HB 563
Short Title: Revise election laws
Primary Sponsor: Jeff Laszloffy (R) HD 22
Chapter Number: 367

Bill Actions - **Current Bill Progress:** Became Law

Bill Action Count: 50

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/17/2003			
(H) Signed by Governor	04/17/2003			
(H) Transmitted to Governor	04/15/2003			
(S) Signed by President	04/12/2003			
(H) Signed by Speaker	04/11/2003			
(H) Returned from Enrolling	04/11/2003			
(C) Printed - New Version Available	04/11/2003			
(H) Sent to Enrolling	04/10/2003			
(H) 3rd Reading Passed as Amended by Senate	04/10/2003	53	46	
(H) Scheduled for 3rd Reading	04/10/2003			
(H) 2nd Reading Senate Amendments Concurred	04/09/2003	63	47	
(H) Scheduled for 2nd Reading	04/09/2003			
(S) Returned to House with Amendments	04/04/2003			
(S) 3rd Reading Concurred	04/04/2003	29	21	
(S) Scheduled for 3rd Reading	04/04/2003			
(S) 2nd Reading Concurred	04/03/2003	28	21	
(S) 2nd Reading Motion to Amend Failed	04/03/2003	24	25	
(S) Scheduled for 2nd Reading	04/03/2003			
(C) Printed - New Version Available	03/27/2003			
(S) Committee Report--Bill Concurred as Amended	03/27/2003			(S) State Administration
(S) Committee Executive Action--Bill Concurred as Amended	03/27/2003	4	1	(S) State Administration
(S) Hearing	03/12/2003			(S) State Administration
(S) Rereferred to Committee	03/06/2003			(S) State Administration
(S) Referred to Committee	02/26/2003			(S) Finance and Claims
(S) First Reading	02/26/2003			
(H) Transmitted to Senate	02/24/2003			
(H) 3rd Reading Passed	02/24/2003	56	43	
(H) Scheduled for 3rd Reading	02/24/2003			

(H) 2nd Reading Passed	02/22/2003	58	42	
(H) Scheduled for 2nd Reading	02/22/2003			
(C) Printed - New Version Available	02/20/2003			
(H) Committee Report--Bill Passed as Amended	02/20/2003			(H) State Administration
(H) Committee Executive Action--Bill Passed as Amended	02/20/2003	13	6	(H) State Administration
(H) Hearing	02/19/2003			(H) State Administration
(C) Introduced Bill Text Available Electronically	02/10/2003			
(H) Referred to Committee	02/10/2003			(H) State Administration
(H) First Reading	02/10/2003			
(H) Introduced	02/10/2003			
(C) Draft Delivered to Requester	02/06/2003			
(C) Draft Ready for Delivery	01/31/2003			
(C) Draft in Assembly/Executive Director Review	01/30/2003			
(C) Draft in Final Drafter Review	01/29/2003			
(C) Draft in Input/Proofing	01/29/2003			
(C) Bill Draft Text Available Electronically	01/29/2003			
(C) Draft to Drafter - Edit Review [JLN]	01/29/2003			
(C) Draft in Edit	01/29/2003			
(C) Draft in Legal Review	01/28/2003			
(C) Draft to Requester for Review	01/16/2003			
(C) Draft On Hold	01/04/2003			
(C) Draft Request Received	11/22/2002			

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Laszloffy	Jeff	
Drafter	Heffelfinger	Sheri	
Primary Sponsor	Laszloffy	Jeff	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Elections (see also: Ballot Issues)		Simple	ELEC

Additional Bill Information

Fiscal Note Probable: No

Preintroduction Required: N
Session Law Ch. Number: 367
DEADLINE
Category: Appropriation Bills
Transmittal Date: 03/29/2003
Return (with 2nd house amendments) Date: 04/14/2003

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-OCT-03	

HOUSE BILL NO. 563

INTRODUCED BY LASZLOFFY, STAPLETON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; PROHIBITING A THIRD PARTY FROM COLLECTING ABSENTEE BALLOT APPLICATIONS TO FORWARD TO AN ELECTION ADMINISTRATOR, WITH CERTAIN EXCEPTIONS; ALLOWING POLITICAL PARTY COMMITTEEMEN FOR AN ELECTION PRECINCT TO BE ELECTED BY ACCLAMATION; ALLOWING COMMISSIONERS OF A DRAINAGE DISTRICT TO BE ELECTED BY ACCLAMATION; AND AMENDING SECTIONS 13-13-213, 13-38-201, 85-8-302, AND 85-8-624, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) Except as provided in subsection ~~(2)~~ (3), the elector shall ~~forward the application by~~ mail the application directly to the election administrator or deliver ~~it~~ the application in person to the election administrator. ~~A~~ WITH THE EXCEPTION OF AN IMMEDIATE FAMILY MEMBER, AS DEFINED IN 15-30-602, OR A GUARDIAN, A third party may not collect applications for absentee ballots from electors and forward the applications to the election administrator.

(2) The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

~~(2)~~(3) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 2. Section 13-38-201, MCA, is amended to read:

"13-38-201. Election of committeemen at primary. (1) ~~Each~~ Except as provided in subsection (4), each political party shall elect at each primary election one ~~man and one woman~~ person of each sex who shall serve as committeemen for each election precinct. The committeemen ~~shall~~ must be residents and registered voters of the precinct.

(2) An elector may be placed in nomination for committeeman by a ~~writing so stating~~ written statement, signed by the elector, notarized, and filed in the office of the registrar within the time for filing declarations naming candidates for nomination at the regular biennial primary election.

(3) ~~The~~ Except as provided in subsection (4), the names of candidates for precinct committeeman of each political party ~~shall~~ must be printed on the party ticket in the same manner as other candidates and the voter shall vote for them in the same manner ~~as he~~ that the voter does for other candidates.

(4) If only one person of each sex has been nominated to fill a precinct's positions, the election administrator may decline to include that precinct's election in the primary election. If a precinct's election is not held during the primary election pursuant to this subsection, the county governing body shall declare elected by acclamation the candidates nominated for that precinct's committeemen positions."

Section 3. Section 85-8-302, MCA, is amended to read:

"85-8-302. Election of commissioners -- regular term of office. (1) ~~The~~ Except as provided in subsection (2), the regular election of commissioners ~~shall~~ must be held annually in accordance with 13-1-104 and 13-1-401.

(2) If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is canceled as provided in this subsection, the county governing body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If there is not a candidate nominated for the position, the board of commissioners shall make an appointment to fill the position and the term is the same as if the commissioner were elected.

(3) The term of office of commissioners ~~shall commence~~ commences on the first Tuesday in May following their election or appointment.

(4) ~~At~~ Except as provided in subsection (2), at the first regular election following the organization of a district and in districts organized and in existence on March 1, 1921, and ~~which~~ that, on petition, have been divided into divisions, at the first regular election following the date of the order making ~~such~~ the division, there

~~shall~~ must be elected three commissioners, one commissioner being elected from each division of which ~~he~~ the commissioner must be an actual landowner. One of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the year following ~~his~~ the commissioner's election; another of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the second year following ~~his~~ the commissioner's election; and the third of the commissioners shall hold office until the first Tuesday in May in the third year following ~~his~~ the commissioner's election. Thereafter, one commissioner ~~shall~~ must be elected each year, who shall hold office for a term of 3 years and until ~~his~~ the commissioner's successor is elected or appointed and qualified. The person elected or appointed as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected or appointed as a commissioner from the same division as the commissioner whom ~~he~~ the commissioner is to succeed.

~~(2)~~(5) Each commissioner must be a resident of a county where a portion of the district lands is situated."

Section 4. Section 85-8-624, MCA, is amended to read:

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) ~~It shall require a~~ A vote of the persons on the assessment rolls in any existing district is required to make Chapter 409, Laws of 1973, applicable to ~~such districts~~ a district.

(2) ~~Nothing in~~ Chapter 409, Laws of 1973, ~~confers~~ does not confer upon districts created for drainage purposes only the authority to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) ~~shall~~ must be governed by the following rules:

(a) Notice of the election ~~shall~~ must be as provided in 13-1-401(4).

(b) The manner of conducting the election ~~shall~~ must be as provided in ~~85-8-302~~ 13-1-401 and as nearly as practicable in accordance with the provisions of the general election laws of the state in Title 13, except that ~~no~~ registration may not be required.

(c) The qualifications of electors ~~shall~~ must be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person, as ~~therein defined~~ provided in 85-8-305, who does not own land within the district but has been assessed or will have ~~his~~ the person's improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received ~~shall be~~ is entitled to one vote. Commissioners shall prepare a list of ~~such~~ persons, and the election administrator or deputy election administrator shall give them notice as provided in 13-1-401(4).

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district ~~shall be~~ is governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of ~~said~~ the district wish to be governed by Chapter 409, Laws of 1973. The resolution ~~shall~~ must contain a short summary of the changes made by Chapter 409, Laws of 1973, and the summary must be included in the notice provided for by 13-1-401(4). In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy ~~of the same,~~ and the notice to the persons in the district calling the election ~~shall~~ must describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing ~~said~~ copies, not to exceed 20 cents ~~per~~ a page.

(e) The ballot ~~shall~~ must include the summary as provided for in ~~the preceding~~ subsection (3)(d), and the form of the ballot ~~shall~~ must conform as closely as possible to that provided for in Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots ~~shall determine~~ determines the outcome of the election."

NEW SECTION. **SECTION 5. COORDINATION INSTRUCTION.** (1) IF HOUSE BILL NO. 532 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTION 3 OF THIS ACT] AMENDING 85-8-302, IS VOID.

(2) IF HOUSE BILL NO. 190 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTION 29] OF HOUSE BILL NO. 190, AMENDING 13-13-213, IS VOID.

- END -

HOUSE BILL NO. 563

INTRODUCED BY J. LASZLOFFY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; PROHIBITING A THIRD PARTY FROM COLLECTING ABSENTEE BALLOT APPLICATIONS TO FORWARD TO AN ELECTION ADMINISTRATOR; ALLOWING POLITICAL PARTY COMMITTEEMEN FOR AN ELECTION PRECINCT TO BE ELECTED BY ACCLAMATION; ALLOWING COMMISSIONERS OF A DRAINAGE DISTRICT TO BE ELECTED BY ACCLAMATION; AND AMENDING SECTIONS 13-13-213, 13-38-201, 85-8-302, AND 85-8-624, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) Except as provided in subsection ~~(2)~~ (3), the elector shall ~~forward the application by~~ mail the application directly to the election administrator or deliver ~~it~~ the application in person to the election administrator. A third party may not collect applications for absentee ballots from electors and forward the applications to the election administrator.

(2) The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

~~(2)~~(3) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 2. Section 13-38-201, MCA, is amended to read:

"13-38-201. Election of committeemen at primary. (1) ~~Each~~ Except as provided in subsection (4), each political party shall elect at each primary election one ~~man and one woman~~ person of each sex who shall serve as committeemen for each election precinct. The committeemen ~~shall~~ must be residents and registered

voters of the precinct.

(2) An elector may be placed in nomination for committeeman by a ~~writing so stating~~ written statement, signed by the elector, notarized, and filed in the office of the registrar within the time for filing declarations naming candidates for nomination at the regular biennial primary election.

(3) ~~The~~ Except as provided in subsection (4), the names of candidates for precinct committeeman of each political party ~~shall~~ must be printed on the party ticket in the same manner as other candidates and the voter shall vote for them in the same manner ~~as he~~ that the voter does for other candidates.

(4) If only one person of each sex has been nominated to fill a precinct's positions, the election administrator may decline to include that precinct's election in the primary election. If a precinct's election is not held during the primary election pursuant to this subsection, the county governing body shall declare elected by acclamation the candidates nominated for that precinct's committeemen positions."

Section 3. Section 85-8-302, MCA, is amended to read:

"85-8-302. Election of commissioners -- regular term of office. (1) ~~The~~ Except as provided in subsection (2), the regular election of commissioners ~~shall~~ must be held annually in accordance with 13-1-104 and 13-1-401.

(2) If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is canceled as provided in this subsection, the county governing body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If there is not a candidate nominated for the position, the board of commissioners shall make an appointment to fill the position and the term is the same as if the commissioner were elected.

(3) The term of office of commissioners ~~shall commence~~ commences on the first Tuesday in May following their election or appointment.

(4) ~~At~~ Except as provided in subsection (2), at the first regular election following the organization of a district and in districts organized and in existence on March 1, 1921, and ~~which~~ that, on petition, have been divided into divisions, at the first regular election following the date of the order making ~~such~~ the division, there ~~shall~~ must be elected three commissioners, one commissioner being elected from each division of which ~~he~~ the commissioner must be an actual landowner. One of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the year following ~~his~~ the commissioner's election; another of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the second year following ~~his~~ the commissioner's election; and the third of the commissioners shall hold office until the first Tuesday in May in the

third year following ~~his~~ the commissioner's election. Thereafter, one commissioner ~~shall~~ must be elected each year, who shall hold office for a term of 3 years and until ~~his~~ the commissioner's successor is elected or appointed and qualified. The person elected or appointed as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected or appointed as a commissioner from the same division as the commissioner whom ~~he~~ the commissioner is to succeed.

~~(2)~~(5) Each commissioner must be a resident of a county where a portion of the district lands is situated."

Section 4. Section 85-8-624, MCA, is amended to read:

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) ~~It shall require a~~ A vote of the persons on the assessment rolls in any existing district is required to make Chapter 409, Laws of 1973, applicable to ~~such districts~~ a district.

(2) ~~Nothing in~~ Chapter 409, Laws of 1973, ~~confers~~ does not confer upon districts created for drainage purposes only the authority to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) ~~shall~~ must be governed by the following rules:

(a) Notice of the election ~~shall~~ must be as provided in 13-1-401(4).

(b) The manner of conducting the election ~~shall~~ must be as provided in ~~85-8-302~~ 13-1-401 and as nearly as practicable in accordance with the provisions of the general election laws of the state in Title 13, except that ~~no~~ registration may not be required.

(c) The qualifications of electors ~~shall~~ must be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person, as ~~therein defined~~ provided in 85-8-305, who does not own land within the district but has been assessed or will have ~~his~~ the person's improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received ~~shall be~~ is entitled to one vote. Commissioners shall prepare a list of ~~such~~ persons, and the election administrator or deputy election administrator shall give them notice as provided in 13-1-401(4).

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district ~~shall be~~ is governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of ~~said~~ the district wish to be governed by Chapter 409, Laws of 1973. The resolution ~~shall~~ must contain a short summary of the changes made by Chapter 409, Laws of 1973, and the summary must be included in the notice provided for by 13-1-401(4). In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy ~~of the same~~, and the notice to the persons in the district calling the election ~~shall~~

must describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing ~~said~~ copies, not to exceed 20 cents ~~per~~ a page.

(e) The ballot ~~shall~~ must include the summary as provided for in ~~the preceding~~ subsection (3)(d), and the form of the ballot ~~shall~~ must conform as closely as possible to that provided for in Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots ~~shall determine~~ determines the outcome of the election."

- END -

HOUSE BILL NO. 563

INTRODUCED BY LASZLOFFY, STAPLETON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; PROHIBITING A THIRD PARTY FROM COLLECTING ABSENTEE BALLOT APPLICATIONS TO FORWARD TO AN ELECTION ADMINISTRATOR, WITH CERTAIN EXCEPTIONS; ALLOWING POLITICAL PARTY COMMITTEEMEN FOR AN ELECTION PRECINCT TO BE ELECTED BY ACCLAMATION; ALLOWING COMMISSIONERS OF A DRAINAGE DISTRICT TO BE ELECTED BY ACCLAMATION; AND AMENDING SECTIONS 13-13-213, 13-38-201, 85-8-302, AND 85-8-624, MCA."

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(2) The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

~~(2)~~(3) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 2. Section 13-38-201, MCA, is amended to read:

"13-38-201. Election of committeemen at primary. (1) ~~Each~~ Except as provided in subsection (4),

each political party shall elect at each primary election one ~~man and one woman~~ person of each sex who shall serve as committeemen for each election precinct. The committeemen ~~shall~~ must be residents and registered voters of the precinct.

(2) An elector may be placed in nomination for committeeman by a ~~writing so stating~~ written statement, signed by the elector, notarized, and filed in the office of the registrar within the time for filing declarations naming candidates for nomination at the regular biennial primary election.

(3) ~~The~~ Except as provided in subsection (4), the names of candidates for precinct committeeman of each political party ~~shall~~ must be printed on the party ticket in the same manner as other candidates and the voter shall vote for them in the same manner ~~as he~~ that the voter does for other candidates.

(4) If only one person of each sex has been nominated to fill a precinct's positions, the election administrator may decline to include that precinct's election in the primary election. If a precinct's election is not held during the primary election pursuant to this subsection, the county governing body shall declare elected by acclamation the candidates nominated for that precinct's committeemen positions."

Section 3. Section 85-8-302, MCA, is amended to read:

"85-8-302. Election of commissioners -- regular term of office. (1) ~~The~~ Except as provided in subsection (2), the regular election of commissioners ~~shall~~ must be held annually in accordance with 13-1-104 and 13-1-401.

(2) If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is canceled as provided in this subsection, the county governing body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If there is not a candidate nominated for the position, the board of commissioners shall make an appointment to fill the position and the term is the same as if the commissioner were elected.

(3) The term of office of commissioners ~~shall commence~~ commences on the first Tuesday in May following their election or appointment.

(4) ~~At~~ Except as provided in subsection (2), at the first regular election following the organization of a district and in districts organized and in existence on March 1, 1921, and ~~which~~ that, on petition, have been divided into divisions, at the first regular election following the date of the order making ~~such~~ the division, there ~~shall~~ must be elected three commissioners, one commissioner being elected from each division of which ~~he~~ the commissioner must be an actual landowner. One of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the year following ~~his~~ the commissioner's election; another of the commissioners,

to be determined by lot, shall hold office until the first Tuesday in May in the second year following ~~his~~ the commissioner's election; and the third of the commissioners shall hold office until the first Tuesday in May in the third year following ~~his~~ the commissioner's election. Thereafter, one commissioner ~~shall~~ must be elected each year, who shall hold office for a term of 3 years and until ~~his~~ the commissioner's successor is elected or appointed and qualified. The person elected or appointed as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected or appointed as a commissioner from the same division as the commissioner whom ~~he~~ the commissioner is to succeed.

~~(2)~~(5) Each commissioner must be a resident of a county where a portion of the district lands is situated."

Section 4. Section 85-8-624, MCA, is amended to read:

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) ~~It shall require a~~ A vote of the persons on the assessment rolls in any existing district is required to make Chapter 409, Laws of 1973, applicable to ~~such districts~~ a district.

(2) ~~Nothing in~~ Chapter 409, Laws of 1973, ~~confers~~ does not confer upon districts created for drainage purposes only the authority to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) ~~shall~~ must be governed by the following rules:

(a) Notice of the election ~~shall~~ must be as provided in 13-1-401(4).

(b) The manner of conducting the election ~~shall~~ must be as provided in ~~85-8-302~~ 13-1-401 and as nearly as practicable in accordance with the provisions of the general election laws of the state in Title 13, except that ~~no~~ registration may not be required.

(c) The qualifications of electors ~~shall~~ must be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person, as ~~therein defined~~ provided in 85-8-305, who does not own land within the district but has been assessed or will have ~~his~~ the person's improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received ~~shall be~~ is entitled to one vote. Commissioners shall prepare a list of ~~such~~ persons, and the election administrator or deputy election administrator shall give them notice as provided in 13-1-401(4).

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district ~~shall be~~ is governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of ~~said~~ the district wish to be governed by Chapter 409, Laws of 1973. The resolution ~~shall~~ must contain a short summary of the changes made by Chapter 409, Laws of 1973, and the summary must be included in the notice provided for by

13-1-401(4). In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy ~~of the same~~, and the notice to the persons in the district calling the election ~~shall~~ must describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing ~~said~~ copies, not to exceed 20 cents ~~per~~ a page.

(e) The ballot ~~shall~~ must include the summary as provided for in ~~the preceding~~ subsection (3)(d), and the form of the ballot ~~shall~~ must conform as closely as possible to that provided for in Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots ~~shall determine~~ determines the outcome of the election."

- END -

HOUSE BILL NO. 563

INTRODUCED BY LASZLOFFY, STAPLETON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; PROHIBITING A THIRD PARTY FROM COLLECTING ABSENTEE BALLOT APPLICATIONS TO FORWARD TO AN ELECTION ADMINISTRATOR, WITH CERTAIN EXCEPTIONS; ALLOWING POLITICAL PARTY COMMITTEEMEN FOR AN ELECTION PRECINCT TO BE ELECTED BY ACCLAMATION; ALLOWING COMMISSIONERS OF A DRAINAGE DISTRICT TO BE ELECTED BY ACCLAMATION; AND AMENDING SECTIONS 13-13-213, 13-38-201, 85-8-302, AND 85-8-624, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) Except as provided in subsection ~~(2)~~ (3), the elector shall ~~forward the application by~~ mail the application directly to the election administrator or deliver ~~it~~ the application in person to the election administrator. ~~A~~ WITH THE EXCEPTION OF AN IMMEDIATE FAMILY MEMBER, AS DEFINED IN 15-30-602, OR A GUARDIAN, A third party may not collect applications for absentee ballots from electors and forward the applications to the election administrator.

(2) The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

~~(2)~~(3) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 2. Section 13-38-201, MCA, is amended to read:

"13-38-201. Election of committeemen at primary. (1) ~~Each~~ Except as provided in subsection (4),

each political party shall elect at each primary election one ~~man and one woman~~ person of each sex who shall serve as committeemen for each election precinct. The committeemen ~~shall~~ must be residents and registered voters of the precinct.

(2) An elector may be placed in nomination for committeeman by a ~~writing so stating~~ written statement, signed by the elector, notarized, and filed in the office of the registrar within the time for filing declarations naming candidates for nomination at the regular biennial primary election.

(3) ~~The~~ Except as provided in subsection (4), the names of candidates for precinct committeeman of each political party ~~shall~~ must be printed on the party ticket in the same manner as other candidates and the voter shall vote for them in the same manner ~~as he~~ that the voter does for other candidates.

(4) If only one person of each sex has been nominated to fill a precinct's positions, the election administrator may decline to include that precinct's election in the primary election. If a precinct's election is not held during the primary election pursuant to this subsection, the county governing body shall declare elected by acclamation the candidates nominated for that precinct's committeemen positions."

Section 3. Section 85-8-302, MCA, is amended to read:

"85-8-302. Election of commissioners -- regular term of office. (1) ~~The~~ Except as provided in subsection (2), the regular election of commissioners ~~shall~~ must be held annually in accordance with 13-1-104 and 13-1-401.

(2) If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is canceled as provided in this subsection, the county governing body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If there is not a candidate nominated for the position, the board of commissioners shall make an appointment to fill the position and the term is the same as if the commissioner were elected.

(3) The term of office of commissioners ~~shall commence~~ commences on the first Tuesday in May following their election or appointment.

(4) ~~At~~ Except as provided in subsection (2), at the first regular election following the organization of a district and in districts organized and in existence on March 1, 1921, and ~~which~~ that, on petition, have been divided into divisions, at the first regular election following the date of the order making ~~such~~ the division, there ~~shall~~ must be elected three commissioners, one commissioner being elected from each division of which ~~he~~ the commissioner must be an actual landowner. One of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the year following ~~his~~ the commissioner's election; another of the commissioners,

to be determined by lot, shall hold office until the first Tuesday in May in the second year following ~~his~~ the commissioner's election; and the third of the commissioners shall hold office until the first Tuesday in May in the third year following ~~his~~ the commissioner's election. Thereafter, one commissioner ~~shall~~ must be elected each year, who shall hold office for a term of 3 years and until ~~his~~ the commissioner's successor is elected or appointed and qualified. The person elected or appointed as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected or appointed as a commissioner from the same division as the commissioner whom ~~he~~ the commissioner is to succeed.

~~(2)~~(5) Each commissioner must be a resident of a county where a portion of the district lands is situated."

Section 4. Section 85-8-624, MCA, is amended to read:

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) ~~It shall require a~~ A vote of the persons on the assessment rolls in any existing district is required to make Chapter 409, Laws of 1973, applicable to ~~such districts~~ a district.

(2) ~~Nothing in~~ Chapter 409, Laws of 1973, ~~confers~~ does not confer upon districts created for drainage purposes only the authority to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) ~~shall~~ must be governed by the following rules:

(a) Notice of the election ~~shall~~ must be as provided in 13-1-401(4).

(b) The manner of conducting the election ~~shall~~ must be as provided in ~~85-8-302~~ 13-1-401 and as nearly as practicable in accordance with the provisions of the general election laws of the state in Title 13, except that ~~no~~ registration may not be required.

(c) The qualifications of electors ~~shall~~ must be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person, as ~~therein defined~~ provided in 85-8-305, who does not own land within the district but has been assessed or will have ~~his~~ the person's improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received ~~shall be~~ is entitled to one vote. Commissioners shall prepare a list of ~~such~~ persons, and the election administrator or deputy election administrator shall give them notice as provided in 13-1-401(4).

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district ~~shall be~~ is governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of ~~said~~ the district wish to be governed by Chapter 409, Laws of 1973. The resolution ~~shall~~ must contain a short summary of the changes made by Chapter 409, Laws of 1973, and the summary must be included in the notice provided for by

13-1-401(4). In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy ~~of the same~~, and the notice to the persons in the district calling the election ~~shall~~ must describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing ~~said~~ copies, not to exceed 20 cents ~~per~~ a page.

(e) The ballot ~~shall~~ must include the summary as provided for in ~~the preceding~~ subsection (3)(d), and the form of the ballot ~~shall~~ must conform as closely as possible to that provided for in Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots ~~shall determine~~ determines the outcome of the election."

NEW SECTION. **SECTION 5. COORDINATION INSTRUCTION.** (1) IF HOUSE BILL NO. 532 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTION 3 OF THIS ACT] AMENDING 85-8-302, IS VOID.

(2) IF HOUSE BILL NO. 190 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTION 29] OF HOUSE BILL NO. 190, AMENDING 13-13-213, IS VOID.

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 19, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 563, HB475, HB 607, 2/17/2003
Executive Action: HB 518 DO PASS AS AMENDED,
HB 382 DO PASS

HEARING ON HB 563

Sponsor: REP JEFF LASZLOFFY, HD 22, Laurel

Opening Statement by Sponsor:

REP LASZLOFFY said he brought this bill to revise election laws on behalf of the Montana Clerks & Recorders Association (MCRA). Third parties may not collect ballots or ballot requests. Language is tighter than HB 190. He gave an amendment.
EXHIBIT(sth37a01)
{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.6}

Proponents' Testimony:

Duane Winslow, Yellowstone County Election Administrator, is in favor of election by acclamation to save costs. His county could save $7-10,000 on a primary ballot.

Robert Throssel, Montana Clerk and Recorder Association (MCRA), said handling of ballots by third parties has raised concerns.

Sharon Tenney, Election Supervisor, Cascade County, said absentee requests were up partly because turnout increased, but committees were going door-to-door having folks sign absentee requests, but then 3/4 of them must have forgotten they requested absentees, because they showed up at the polls anyway.

Janice Doggett, Chief Legal Counsel, Secretary of State's Office, testified in support.
{Tape: 1; Side: A; Approx. Time Counter: 2.6 - 14.8}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

Questions from **REPS. ROBERTS, BECKER, YOUNKIN, HURWITZ, DICKENSON & SCHRUMPF** revolved around increased turnout and problems with fraudulent collection of absentee requests, especially in nursing homes.
{Tape: 1; Side: A; Approx. Time Counter: 14.8 - 31.3}

Closing by Sponsor:

The sponsor said this reduces costs, streamlines and ensures the integrity of the election process.

{Tape: 1; Side: A; Approx. Time Counter: 31.3 - 33}

HEARING ON HB 475

Sponsor: **REP. RICK MAEDJE, HD 81, Lincoln County,**

Opening Statement by Sponsor:

REP. MAEDJE said this bill's broad scope addresses departments' administrative actions which impact private party rights. He may have a lot of amendments, some of which are not ready. He discussed the sections and changes they would make.
{Tape: 1; Side: A; Approx. Time Counter: 33 - 47.9}

Proponents' Testimony:

Don Allen, Western Environmental Trade Association, said there is frustration with the way decisions get made; a lot are federal Forest Service decisions, but some are state.
{Tape: 1; Side: A; Approx. Time Counter: 47 - 57}

Opponents' Testimony:

Bud Clinch, Director of DNRC, testified against and produced maps.
EXHIBIT(sth37a02)
EXHIBIT(sth37a03)

Larry Peterman, FWP, Chief of Field Operations, testified against and gave written testimony.
EXHIBIT(sth37a04)

Tim Reardon, Chief Counsel, MDT, testified against.
{Tape: 1; Side: A; Approx. Time Counter: 57- 63}
{Tape: 1; Side: B; Approx. Time Counter: 0 - 18}

Informational Testimony:

Sarah Carlson, Montana Association of Conservation Districts, gave written testimony.
EXHIBIT(sth37a05)

Barbara Roberts, Women Involved in Farm Economics (WIFE), related an incident where people were digging on her land without her permission or knowledge.
{Tape: 1; Side: B; Approx. Time Counter: 18 - 23}

Questions from Committee Members and Responses:

CHAIRMAN BARRETT asked Mr. Peterman for a list of the 12 blue ribbon streams and those water rights which he just mentioned. He said he would do that.
{Tape: 1; Side: B; Approx. Time Counter: 24 - 29}

Closing by Sponsor:

REP. MAEDJE said Mr. Clinch was probably right and he will amend this. He said that an interim study would be acceptable. The local folks and conservation districts know the land and they should be accommodated; a block management amendment also is requested, he said.
{Tape: 1; Side: B; Approx. Time Counter: 29 - 35.4}

HEARING ON HB 607

Sponsor: **REP. TOM FACEY, HD 67, Missoula**

Opening Statement by Sponsor:

REP. FACEY explained the sections, and how it affected constituents. He said there is no state interest in this matter of same-sex marriage.
{Tape: 1; Side: B; Approx. Time Counter: 35.4 - 42.6}

Proponents' Testimony:

Rep. Brad Newman, HD, 38, Butte, Co-sponsor, said this affected property rights, medical care, inheritance, emergency health services.

Karl Olson, Director, Montana PRIDE, said civil marriage has changed significantly over time.
EXHIBIT(sth37a06)

Betty Kijewski, Montana Human Rights Network, testified in favor.

Rip Wagner said without this benefit, primary caretakers could be left out of Intensive Care Unit (ICU) decisions of their partners.

Jennifer Hendricks, Constitutional Law Attorney, said this is an issue of equal protection, sex discrimination, and religion. She gave written testimony for her husband.
EXHIBIT(sth37a07)

Jan Donaldson, Helena, said it is a civil rights issue.

Maryanne Guggenheim, M.D., Neurologist, Former Legislator, testified in favor.

Jeff Donaldson-Forbes, Helena, said complex legal arrangements are necessary to get the rights afforded by marriage.

The Rev. John S. Lewis, testified in favor.

Vernon Wright, United Church of Christ (UCC), testified in favor.

The Rev. Bob Thaden, UCC, Butte, testified in favor and provided written testimony.
EXHIBIT(sth37a08)

Stacy James testified in favor.

Joe Loos, National Association of Social Workers, testified in favor and provided written testimony.
EXHIBIT(sth37a09)

Gary Stallings testified in favor.

Linda Gryczan testified in favor.

Scott Crichton, Executive Director, Montana ACLU, testified in favor.
{Tape: 1; Side: B; Approx. Time Counter: 42.6 - 60}
{Tape: 2; Side: A; Approx. Time Counter: 0 - 23}

Opponents' Testimony:

Julie Milam, Executive Director, Montana Family Coalition, said this would affect school curricula, businesses having to cover spouses and parenting. She provided written testimony.
EXHIBIT(sth37a10)

Brother Bob Fishman, Brothers & Sisters of Charity, said that marriage is a sacred institution, like the flag. He provided written testimony.
EXHIBIT(sth37a11)

Chris Jones, Director, Coalition for Community Responsibility, gave written testimony and said there should have been a fiscal note.
EXHIBIT(sth37a12)

Lani Candelora, Montana Catholic Conference Lobbyist, was against the bill.

Jenny Dodge, Citizens' Network, provided written testimony. **EXHIBIT(sth37a13)**

Gilda Clancy, Eagle Forum, Former Legislator, testified against.

Joshua Boswell, Executive Director, Montana Republican Party and Seventh Day Adventist Church, also testified against.

Harris Himes, Hamilton Pastor & Attorney said there are common-law problems of pecuniary damages, and they are treading turgid waters here.
{Tape: 2; Side: A; Approx. Time Counter: 23 - 52.3}

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. YOUNKIN, B. OLSON and **DICKENSON** had questions of those in attendance.
{Tape: 2; Side: A; Approx. Time Counter: 52.3 - 60}

Closing by Sponsor:

REP. FACEY thanked **CHAIRMAN BARRETT** personally for the respectful hearing.
{Tape: 2; Side: B; Approx. Time Counter: 0 - 3.9}

EXECUTIVE ACTION ON HB 518

CHAIRMAN BARRETT said she was waiting for information on state jobs ads, but they can get it later on the Floor.

Motion: REP. A. OLSON moved HB 518 do pass.

Motion: REP. YOUNKIN moved HB 518 CONCEPTUAL AMENDMENT TO STRIKE "JUDICIAL BRANCH" ON PAGE 1, LINE 18.

Discussion:

REP. YOUNKIN said it should not be included with executive and legislative; it is a slippery slope. There is a different kind of advertising for judicial. **REP BROWN** is against. **REP. BECKER** was not sure. **REP. YOUNKIN** said judges are elected. **REP. JENT**

said probation is through Corrections Department. **REP. A. OLSON** agreed with the motion, as did **REP. LENHART.**

Vote: On a voice vote, **motion carried 15-4.** Voting no were **REPS. B. OLSON, BECKER, BROWN** and **JACOBSON. REP. SMITH** voted by proxy.

Discussion:

REP. HURWITZ questioned the lack of a fiscal note. **CHAIRMAN BARRETT** said the bill is to save money, not cost money, but a fiscal note was requested.

Vote: On a voice vote, **HB 518 DO PASS AS AMENDED carried 19-0**

Motion/Vote: REP. A. OLSON moved HB 518 TO THE CONSENT CALENDAR. Motion carried 16-3; voting no were REPS. JENT, BROWN and ROBERTSON. Though motion carried, the bill will not be placed on the consent calendar according to House Rules H40-110(b) requiring a unanimous vote on such a motion.

Note: SB 518 was not signed out of committee until 2/24/03.
{Tape: 2; Side: B; Approx. Time Counter: 3.9 - 12}

EXECUTIVE ACTION ON HB 431

Motion: REP. BROWN moved HB 431 BE TAKEN OFF THE TABLE. On a voice vote, **motion carried 18-1. REP. YOUNKIN voted no.**

Motion: REP. BROWN moved HB 431 AMENDMENT (043102.ash).
EXHIBIT(sth37a14)

Discussion: REP BROWN explained the changes. She said Whitefish was an exception and this reverts the law to previous language.

Discussion:

REP. YOUNKIN said she needed coordinating instructions.

Motion was withdrawn.

EXECUTIVE ACTION ON HB 523

CHAIRMAN BARRETT asked if there were amendments. **REP. YOUNKIN** said she had some and Ms. Heffelfinger is preparing them, but they need REP. BALYEAT'S approval.

EXECUTIVE ACTION ON HB 382

Motion: **REP. WINDY BOY moved HB 382 DO PASS.**

Discussion: **Ms. Heffelfinger** distributed, read and explained the Response to Request for Amendment.
EXHIBIT(sth37a15)
{Tape: 2; Side: B; Approx. Time Counter: 12 - 16}

Vote: On a roll call vote, **motion carried 12-7. Voting no were REPS. BROWN, BALLANTYNE, LEHMAN, LENHART, SCHRUMPF, WAGMAN and A. OLSON. REP. A. OLSON voted by proxy.**

ADJOURNMENT

Adjournment: 12 A.M.

_____
REP. DEBBY BARRETT, Chairman

_____
JOAN REIMAN, Secretary

DB/JR

EXHIBIT(sth37aad)

EXHIBIT 1
DATE 2-19-03
HB 563

Amendments to House Bill No. 563
1st Reading Copy

Requested by Representative Jeff Laszloffy

For the Senate State Administration Committee

Prepared by Sheri Heffelfinger
February 18, 2003 (4:50pm)

1. Title, page 1, line 5.
Following: "PARTY"
Insert: "ORGANIZATION"

2. Title, page 1, line 8.
Strike: "AND"

3. Title, page 1, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 16.
Following: "party"
Insert: "organization"

5. Page 4.
Following: line 12
Insert: "NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective on passage and approval."

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 20, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Larry Jent, Vice Chairman (D)
Rep. Jonathan Windy Boy (D)
Rep. Don Roberts (R)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 586, HB 621, HB 611, 2/17/2003; HB 694, HB 689, 2/18/2003
Executive Action: HB 689 & HB 563 DO PASS AS AMENDED, HB 694 TABLED, HB 621 ACTION DEFERRED

HEARING ON HB 586

Sponsor: **REP. JOHN BRUEGGEMAN, HD 74, Polson**

Opening Statement by Sponsor:

REP. BRUEGGEMAN said that the University System wants to form a leadership college to train new legislators, but they need this bill to allow legislators to be on the Board of Directors.
{Tape: 1; Side: A; Approx. Time Counter: 0 - 2}

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Leroy Schram, Counsel, Board of Regents, was there to answer questions.

Questions from Committee Members and Responses:

The crux of the discussion was that this Board cannot be paid for their work. There is no fiscal note. The leadership college is not yet formed. It would let experienced term-limited legislators share their experience. **REP. SMITH** said that University of Montana (U. M.) Western had donated money and they wanted to set this up.
{Tape: 1; Side: A; Approx. Time Counter: 2.4 - 21.7}

Closing by Sponsor:

REP. BRUEGGEMAN said this would be under strict scrutiny, there is no "bogey man" and it is specifically tailored for this one purpose.

HEARING ON HB 611

Sponsor: **REP. TOM FACEY, HD 67, Missoula**

Opening Statement by Sponsor:

REP. FACEY said they need a competitive retirement system for the University System. He distributed a fact sheet.
EXHIBIT(sth38a01)
{Tape: 1; Side: A; Approx. Time Counter: 21.7 - 25}

Proponents' Testimony:

Tom Billodeaux, Researcher, Montana Education Association/Montana Federation of Teachers (MEA/MFT), explained the sponsor's handout. Half of the faculty are in Teachers' Retirement, and half are in TIAA-CREF. He believes the state general fund should fund it.

Michael Mayer, U.M. History Teacher, testified in favor of the bill.

Glen Leavitt, Director of Benefits, University System, said they had recruiting problems.

Paul Haber, U.M. Faculty, said it is an issue of equity and morale.

Steven Lodmell, Assistant Professor of Biochemistry, testified in favor of the bill..

Jim Kembel, TIAA-CREF, also testified in favor of the bill..
{Tape: 1; Side: A; Approx. Time Counter: 25 - 41}

Opponents' Testimony: None

Informational Testimony:

David Senn, Executive Director, TRS, said this is basically "a funding swap."

Questions from Committee Members and Responses:

REPS. B. OLSON, LEHMAN and WAGMAN had questions which revealed that the bill does not free up money. It raises the contribution rate. It would use $8.5 million of "new" money.
{Tape: 1; Side: A; Approx. Time Counter: 41 - 47}

Closing by Sponsor:

REP. FACEY reminded the committee that the University also brings in economic development.

HEARING ON HB 689

Sponsor: **REP. ALAN OLSON, HD 8**

Opening Statement by Sponsor:

REP. OLSON said that this bill covers the definition of lobbying, addresses current practices, raises the cap on expenses, and excludes travel and living expenses. He provided amendments. **EXHIBIT(sth38a02)**

Proponents' Testimony:

Chris Gallus, Montana Society of Association Executives, (MSAE), supported the bill.

Steve Yeakel, Executive Secretary, MSAE, supported the bill.

Jim Mockler, Executive Director, Montana Coal Council, supported the bill.

John Flink, Montana Hospital Association (MHA), supported the bill.

Bob Stevens, Montana Grain Growers Association (MGGA) and Montana Farm Bureau (MFB), supported the bill.

Webb Brown, Montana Chamber of Commerce, supported the bill.

Christi Blazer, Montana Beer and Wine Wholesalers' Association, supported the bill.

Gail Abercrombie, Executive Director, Montana Petroleum Association, supported the bill.

Rose Hughes, Executive Director, Montana Health Care Association (MHCA), supported the bill.

Ann Hedges, Montana Environmental Information Center, MEIC, supported the bill.

Don Allen, Allen Associates, supported the bill.

Riley Johnson, Contract Lobbyist, Helena, supported the bill.

Stuart Doggett supported the bill.

Bob Vogel, Montana School Boards Association, supported the bill.

Brad Griffin, Montana Retail Association, supported the bill.

Travis Ahner, Montana Trial Lawyers Association (MTLA), supported the bill.
{Tape: 1; Side: A; Approx. Time Counter: 53.5 - 61}
{Tape: 1; Side: B; Approx. Time Counter: 0 - 18.1}

Opponents' Testimony: None

Informational Testimony:

Dulcy Hubbert, Program Manager, Commissioner of Political Practices, was present to answer questions. A letter from Commissioner Linda Vaughey was distributed.
EXHIBIT(sth38a03)

Questions from Committee Members and Responses:

Ms. Hubbert said they just got the fiscal note request and are still working on it. **CHAIRMAN BARRETT** asked if her office are opponents, she said not, but that she is just there to provide information.

Closing by Sponsor:

REP. OLSON said he will deal with amendments in executive action.

HEARING ON HB 621

Sponsor: REP. JOHN SINRUD, HD 31

Opening Statement by Sponsor:

REP. SINRUD said this takes the Board of Chiropractic out of the budget, similar to what happened with the Medical Board. It will be administered through the Supreme Court, but would still have audit oversight.

Proponents' Testimony:

Mary Lou Garrett, Chiropractic Legal Panel, testified in favor.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

Committee's questions revealed that there is no fiscal note, they are not moving funds, fees are used to administer the Board, the legislature doesn't do anything with the Board, and that it does not give them money.

Closing by Sponsor:

REP. SINRUD repeated that the Board should be taken off the state budget process.
{Tape: 1; Side: B; Approx. Time Counter: 21 - 36}

HEARING ON HB 694

Sponsor: **REP. JOHN SINRUD, HD 31**

Opening Statement by Sponsor:

REP. SINRUD said this bill provides parental guidance in looking up information at the library as to what their child is reading. Eight other states have such parental disclosure laws.

Proponents' Testimony:

Julie Milam, Montana Family Coalition Director, said it would not disallow a child to check out any book. She submitted written testimony.
EXHIBIT(sth38a04)

Lani Candelora, Montana Catholic Conference, testified in favor.
{Tape: 1; Side: B; Approx. Time Counter: 3.5 - 6.4}

Opponents' Testimony:

Karen Stregge, Montana State Library Director, said their seven-member Board opposed this unnecessary bill, similar to a Senate bill which failed last session. The bill implies mistrust, and library information is more accurate than peer information, she said.

Jim Smith, Montana Library Association, said the bill goes too far; it should just be a resolution. He submitted written testimony.
EXHIBIT(sth38a05)

Lisa Cordingley, Helena, said as a parent, she believed that library information is better for kids than the internet. **EXHIBIT(sth38a06)**

Ann Gilkey, Parent, said library information is better than what kids learn on the street. She would suggest an amendment to exclude legally emancipated youth.

Beth Brennaman, ACLU Legal Director, testified Montana's Constitution gives strong minors' rights unless harm is possible. This would be litiginous. Some 17-year olds are already in college. There must be provision for the emancipated, and it should consider a noncustodial or absent parent. A similar case is being tested in New Jersey in an ACLU lawsuit.
{Tape: 1; Side: B; Approx. Time Counter: 41.4 - 666}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. YOUNKIN asked Ms. Stregge if libraries blocked sites on the internet. **Ms. Stregge** replied that each has a different process, where parents can sign up for children to use areas which have filters. Local library boards establish procedures. **REP. YOUNKIN** asked if one had to have a library card to use the internet. **Ms. Stregge** said for most, they do not need a card. **REP. YOUNKIN** asked if libraries required cards for patrons to come and read. She said none that she is aware of. **REP. YOUNKIN** asked if most libraries allowed photocopying without a library card. The answer was that they do.

REP. B. OLSON asked Ms. Candelora if state law has a compelling interest in helping parent and child. **Ms. Candelor**a believed that to be true. He asked **Ms. Millam.** She said if parents have to pay a fine, they need to know when their child checked a book out. He asked her where the state would draw the line. She said the ste is interfering if it prevents parents knowing. **REP. SMITH** asked the sponsor about the fiscal note, if libraries would need more staff to comply. **REP. SINRUD** said they would not, they already have the records, so it would not cost more. **REP. SMITH** asked if colleges would be affected; sponsor did not believe so.
{Tape: 2; Side: A; Approx. Time Counter: 0 - 12}

Closing by Sponsor:

REP. SINRUD said the bill aims at troubled youth in libraries who do not have communication with their parents.
{Tape: 2; Side: A; Approx. Time Counter: 12 - 20}

EXECUTIVE ACTION ON HB 689

Motion: REP. A. OLSON moved HB 689 DO PASS.

Motion: REP. A. OLSON moved AMENDMENTS for HB 689 (068901.agp).

Discussion:

REP. A. OLSON read and explained the amendment. **REPS. BROWN and BECKER** addressed concerns with the $2,150. Currently it is at $1,000 including travel and living expense. **Ms. Heffelfinger** said there needed to be coordinating language, but there would be conflict with SB 7. **REP. OLSON** said he would follow that through.

Vote: On a voice vote, **motion carried 19-0. REPS. JENT, WINDY BOY and ROBERTS voted by proxy.**

Motion: REP. A . OLSON moved HB 689 DO PASS AS AMENDED.

Discussion:

REP. OLSON said the bill still meets the intent of the original lobbying law, but adjusted for expense costs going up. If they spend $2,150 they are a lobbyist. If a principal employs multiple persons, when they spend a total of $2,150, they are a lobbyist and must report. He deferred to **Ms. Heffelfinger**, who said it was not limited to one individual. There was an amendment that took care of the potential conflict, so they can't each receive $2,150.

Vote: On a voice vote, **motion carried 19-0. Proxy votes were received from REPS. JENT, ROBERTS, and WINDY BOY.**

Motion/Vote: REP. A. OLSON moved HB 689 AS AMENDED TO THE CONSENT CALENDAR. On a voice vote, **motion carried 19-0.**
{Tape: 2; Side: A; Approx. Time Counter: 20 - 40}

EXECUTIVE ACTION ON HB 563

Motion: REP. BERNIE OLSON moved HB 563 DO PASS.

Motion: REP. BROWN moved HB 563 AMENDMENT (56301.ash).

Discussion: **REP. ALAN OLSON** asked **Ms. Heffelfinger** about sponsor LASZLOFFY'S amendment; it adds "organization" and conflicted with his.

REP. BROWN withdrew her motion.

Motion: **REP. ALAN OLSON moved AMENDMENT 056301.apm.**
EXHIBIT(sth38a07)

Discussion:

REP. A. OLSON said this amendment leaves out third parties with the exception of the immediate family or guardian. **REP. BECKER** did not like that amendment any better. **REP. A. OLSON** said it met REP. LASZLOFFY's intent better. **REP. DICKENSON** said it may put a burden on election clerks to verify. He replied that it meshed with HB 190.

REP. YOUNKIN clarified a question of **REP. HURWITZ** by saying third parties may not collect ballots under HB 190. Anyone can take an official absentee ballot with the inner envelope signed and sealed in the outer envelope to an election administrator. The Clerks and Recorders had a problem with requests for absentees collected by various organizations. Anyone can send in a postcard requesting the absentee ballot. **CHAIRMAN BARRETT** said she supported the amendment.

Vote: On a voice vote, **motion carried 12-7. Voting no were REPS. BECKER, SMITH, DICKENSON, GIBSON, JENT, WINDY BOY AND JACOBSON. Proxies were received from REPS. ROBERTS, JENT, and WINDY BOY.**

Motion: **REP. A. OLSON moved that HB 563 DO PASS AS AMENDED.**

Discussion: **REPS. GIBSON and A. OLSON** discussed that this does not prevent taking absentee applications to nursing homes, or door to door, but the voter must then mail them in.

Vote: On a voice vote, **motion carried 13-6. Voting no were REPS. BECKER, GIBSON, DICKENSON, JACOBSON, JENT and WINDY BOY. Proxies were received from REPS. JENT, WINDY BOY and ROBERTS.**
{Tape: 2; Side: A; Approx. Time Counter: 40 - 60}

EXECUTIVE ACTION ON HB 621

Motion/Vote: REP. ALAN OLSON moved HB 621 DO PASS. On a voice vote, motion carried 19-0. Proxies were received from REPS. ROBERTS, JENT and WINDY BOY.

Motion/Vote: REP. ALAN OLSON moved HB 621 TO THE CONSENT CALENDAR. On a voice vote, motion carried 19-0. Proxies were received from REPS. ROBERTS, JENT and WINDY BOY.
{Tape: 2; Side: B; Approx. Time Counter: 0 - 10}

Note: HB 621 was not signed out of committee today. It was amended and passed out of committee on 2/21/03.

EXECUTIVE ACTION ON HB 694

Motion: REP. B. OLSON moved HB 694 DO PASS.

Discussion:

REP. B. OLSON opposed the bill. He said that "compelling interest" is a legal term. **REPS. BALLANTYNE** and **LEHMAN** agreed.

REP. BROWN said the parents have already lost control if they have to look to their kids' reading material. **REP. HURWITZ** also opposed it.

REP. A. OLSON asked if they can get school records, why not library-use records. **REPS. WAGMAN** and **SCHRUMPF** supported the bill.

Vote: On a roll call vote, **motion failed 3-16. Voting yes were REPS. A. OLSON, SCHRUMPF and WAGMAN. REPS. ROBERTS, WINDY BOY and JENT voted by proxy.**

Motion: REP. YOUNKIN moved to REVERSE THE VOTE and TABLE HB 694. HB 694 was TABLED with a vote of 16-3. Voting no were REPS. A. OLSON, SCHRUMPF and WAGMAN.
{Tape: 2; Side: B; Approx. Time Counter: 10 - 20}

ADJOURNMENT

Adjournment: 11:40 A.M.

_____
REP. DEBBY BARRETT, Chairman

_____
JOAN REIMAN, Secretary

DB/JR

EXHIBIT(sth38aad)

7

2-20-03

563

Amendments to House Bill No. ~~503~~ 563
1st Reading Copy

For the House State Administration Committee

Prepared by Pat Murdo
February 19, 2003 (5:53pm)

1. Title, page 1, line 6.
Following: "ADMINISTRATOR"
Insert: ", WITH CERTAIN EXCEPTIONS"

2. Page 1, line 16.
Following: "administrator."
Strike: "A"
Insert: "With the exception of an immediate family member, as defined in 15-30-602, or a guardian, a"

- END -

HB056301.apm
HB058301.apm

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **SEN. MIKE WHEAT**, on March 12, 2003 at 3:07 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:
Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Lisa Gallagher, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:
Hearing & Date Posted: HB 563, 3/6/2003; HB 190, 2/24/2003
Executive Action: None.

DILLON ARMORY LAND TRANSFER

{Tape: 1; Side: A; Approx. Time Counter: 0.8 - 3.9}

Opening by Sponsor:

Jeanne Holmgren, DNRC, asked the Committee if there was any comments that they would like to make that she could take to the land board in regard to the Dillon Armory land transfer. She handed out to the Committee Section 77-2-351 of the Montana Code Annotated.
EXHIBIT(sts52a01)

She also handed out to the Committee a packet relating to the land transfer.
EXHIBIT(sts52a02)

Proponent's Testimony:

Scott Marsh, Beaverhead County, said that they worked out this deal and it will be really good for the high school. The residents have complained about the diesel fuel and now that will not be a problem. This will work out well for Dillon.

Ralph Dukunze, Department of Military Affairs, said that they came up with this proposal and it will be good for both Dillon and the Department. This is a win, win situation and he encouraged the concurrence of the Committee.

Debbie Barrett, Beaverhead County, said that she supports this proposal.

Discussion:

SEN. GEBHARDT asked **Jeanne Holmgren** if they had an appraisal done on the land. **Jeanne Holmgren** said, "No, because it is a transfer and not an exchange."

SEN. SQUIRES made a motion to recommend the transfer of land.

SEN. WHEAT recommended a resolution that approves the transfer of land to the Dillon Armory.

HEARING ON HB 563

{Tape: 1; Side: A; Approx. Time Counter: 10.8 - 12}

Sponsor: REPRESENTATIVE JEFF LASZLOFFY, HD 22, Laurel

Opening Statement by Sponsor:

REP. LASZLOFFY said that this bill deals with Montana election laws. It changes the absentee ballot process. With the language in this bill we will be ensured a timely receipt and it will streamline the process. This bill will save counties money and time.

Proponents' Testimony:

Robert Throssell, Montana Association of Clerk and Recorders, said that what this bill does is eliminate the third party

absentee ballots. It also eliminates the printing and other costs when there are races that are not contested. The counties will not have to print the ballots in those cases. The ballots will be more simple.

Duane Winslow, Yellowstone County, said that when there is a third party handling the ballots we can run into problems, especially when it gets close to elections. This bill will save counties money, and Yellowstone County will save about $6,000 to $8,000 per year.

Sharon Tenney, Cascade County, said that they are in support of this bill. The Committeemen cost the county lots of money, and Cascade County will save about $4,000 if they are eliminated.

Janice Doggett, Chief Legal Counsel for Secretary of State's Office, said that they are in support of this bill.

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 20.4 - 22.9}

Pat Callbeck Harper, AARP, said that they are opposed to section 1 lines 14-18, because it would remove the third party assistance. This means that CNA, LPN's and other assistants would not be allowed to collect ballots. The AARP is an important body that votes and this bill is to strict. A better solution would be to urge the voters to take care and trust the person who handles their ballot.

Rita Blouke, League of Women Voters, said that they are opposed to this bill because of the removal of the third party process.

Sarah Cobler, ASUM, said that they are opposed to this bill because it inhibits their "get out the vote" program. They are trying to get students involved in the process of registering and voting and this bill will only make it harder.

Will Hammerquist, ASMSU, said that they are opposed to this bill because it will disenable the voter absentee process, and Bozeman already has a very low voter turnout among young people.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.4}

Carol Juneau, HD 85, said that she is opposed to this bill because of the absentee provision. This bill will be a barrier to people registering and requesting an absentee ballot. Voting should be easy and accessible and this bill will cause the clerks

and recorders headaches. This bill is not trying to make the voting process easier.

June Herremanson, Montana People Action, said that they are opposed to section 1. This bill would be an exclusion instead of an inclusion; 17.5% of the electorate would be excluded because they would have to get a guardian so they could be involved in the voting process. This bill excludes people will disabilities.

{Tape: 1; Side: B; Approx. Time Counter: 7.2 - 13.4}

Brad Martin, Democratic Party, said that they are opposed to section 1. It is not necessary to pass laws that are obstacles to prevent fraud. There are two standards to uphold in the election process; 1) fraud, 2) easy to make possible to vote. If a third party collects the request for an absentee ballot it should not matter. The concern is how many vote and not how they vote. The electorate should not be punished because of potential fraud.

Beth Brennan, ACLU, said that access is important and their concern is with section 1 of the bill. It is important that CNAs, LPNs, friends, and neighbors are not excluded from helping; they should not be limited.

Verner Bertelsen, Montana Senior Citizens Association, said that they have concerns with section 1, and would like to see it eliminated.

Questions from Committee Members and Responses:

SEN. SPRAGUE asked **Duane Winslow** if he saw any problems with section 1 lines 14-18. **Duane Winslow** said that it has been blown out of proportion. It is a one to one situation that this way there is no risk involved. You send the request and we will send you the ballot.

SEN. SPRAGUE asked **Pat Callbeck Harper** if she encouraged the members of the AARP when they got the ballot request form to put it in an envelope and send it. **Pat Callbeck Harper** said that she agreed with him but because of the last sentence the AARP will not be able to send them in the mail.

SEN. SPRAGUE said that it will not restrict them. **Pat Callbeck Harper** said that a third party cannot collect the request forms.

SEN. SPRAGUE said that everyone has a mailbox. **Pat Callbeck Harper** said, "Yes, but a CNA will not be able to collect them,

and they read it that a relative has to deliver the request form."

SEN. GEBHARDT asked **Janice Doggett** if she was familiar with the term "power of attorney." **Janice Doggett** said, "Yes, they designate the authority that you will have."

SEN. GEBHARDT asked **Janice Doggett** if the power of attorney would have the authority to mail in the request form. **Janice Doggett** said, "Yes, if it was drafted correctly."

SEN. SQUIRES asked **Janice Doggett** if in drafting a power of attorney this would be a primary concern. **Janice Doggett** said, "Yes, power of attorneys are easy to draft."

SEN. SQUIRES asked **Janice Doggett** if she goes to a house and takes it to the mail is she in violation of this law. **Janice Doggett** said that if you are not family or a guardian then yes.

SEN. SQUIRES asked **Janice Doggett** what happens when you go door-to-door and some people do not have family. **Janice Doggett** said that they could mail it themselves.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.7}

SEN. WHEAT asked **Duane Winslow** if section 1 was trying to fix a problem. **Duane Winslow** said that there is a problem out there, and we should not wait for a train wreck before we fix the problem.

Closing by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 1.8 - 7.9}

REP. LASZLOFFY said that this bill is about the integrity of the process. This bill will help make people get personally involved in the process. If there is a concern about who is going to vote that is a concern of the family. Everyone has a mailbox and the applications should be handled by the electors. The legislature has make the election process easier. This bill makes it so votes count and there is no messing around with votes. This way no one will be disenfranchised with the process.

RESCHEDULE HEARINGS FOR HB 201 and HB 548

CHAIRMAN WHEAT announced that hearings for HB 201 and HB 548 would be rescheduled for March 19 at 3:00 p.m., room 335 due to time constraints today.

HEARING ON HB 190

Sponsor: REPRESENTATIVE CINDY YOUNKIN, HD 28, Bozeman

Opening Statement by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 9.4 - 22}

REP. YOUNKIN submitted her written testimony.
EXHIBIT(sts52a03)

REP. YOUNKIN also explained to the Committee an amendment to HB 190.
EXHIBIT(sts52a04)

REP. YOUNKIN read a letter from Gallatin County.
EXHIBIT(sts52a05)

Proponents' Testimony:

Bob Brown, Secretary of the State, said that this bill helps the disabled people vote. An ID requirement will be applied uniformly and there is a provision in this bill from the provisional voter. If a person forgets their ID they will be able to vote and their ballot will be held onto until they return with an ID. They have 24 hours to provide an ID if they want their ballot to be counted. Voter information will be provided 30 days ahead of time instead of two weeks, and this will benefit the absentee voter because they will have their information and ballot at the same time.

Janice Doggett, Chief Legal Counsel for Secretary of State's Office, explained to the Committee a hand out on the Help American Vote Act of 2002.
EXHIBIT(sts52a06)

{Tape: 2; Side: B; Approx. Time Counter: 1.5 - 3.4}

Robert Throssell, Montana Association of Clerk and Recorders, said that this bill protects the integrity of the process. This bill meets the HAVA requirements and we need to do this because it is impossible to run two elections in the state.

Harold Blattie, MACO, said that this bill imposes the rules set by HAVA and they are good rules.

Tom Figarelle, Forward Montana, said that it is very important that everyone show ID, so no one is singled out. Another important part of this bill is the provisional ballots. And the last important part is the 30-day period. The voter will receive information and the ballot and the same time and the voter will be educated and informed to make a good vote, especially the young people.

Sharon Tenney, Cascade County, said that they are in support of HB 190 because we need the federal funding.

Don Hargrove, Gallatin County, said that this bill promotes understanding and will save money.

Vickie Zeier, Missoula County, said that the ID requirement is good because most election judges only work three elections a year, and no one will be singled out. There will be a huge affect on the youth if you single them out. She handed out to the Committee a sample of a voter ID card.
EXHIBIT(sts52a07)

Will Hammerquist, ASMSU, said that they are in support of this bill because we need to comply with HAVA, and students can use their student ID as appropriate identification.

Mary McMahon, Silver Bow County, said that they are in support of this bill. She also said that people are always surprised when they come to the Clerk and Recorders Office and they do not need to provide an ID. All voters should have to show an ID.

Duane Winslow, Yellowstone County, said that this is a good bill that promotes participation and protects the integrity of the process.

Opponents' Testimony:

{Tape: 2; Side: B; Approx. Time Counter: 16.3 - 18.3}

Pat Callbeck Harper, AARP, submitted her written testimony.
EXHIBIT(sts52a08)

Rita Blouke, League of Women Voters, said that they are concerned with the transition of the absentee ballots, and about having to sent a copy.

{Tape: 2; Side: B; Approx. Time Counter: 22.2 - 24.6}

George Ochenski, Confederated Salish & Kootenai Tribes, read a letter to the Committee from the Salish Kootenai Tribes.
EXHIBIT(sts52a09)

Carol Juneau, HD 85, said that she is opposed to this bill because she is opposed to the idea of having to present an ID to vote, and this is just another barrier to voting.

Matt Leow, MontPIRG, said that they are opposed to HB 190 because this bill has barriers in it that will discourage voter participation. They do support HAVA. They have a concern with having to show an ID because it will confuse those who have been voting for years when they have to present an ID.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.6}

Jeanne Souvigney, Montana Conservative Voters, said that they are concerned with the ID requirement, and think that only those who will be voting for the first time should have to show an ID. She also said that Montana will have problems with the provisional ballots.

Ed Eaton, Helena Election Judge, said that this bill is a solution in search of a problem. Montana has the highest voter turnout and he is concerned with the elderly having to show an ID.

Sarah Cobler, ASUM, submitted her written testimony to the Committee.
EXHIBIT(sts52a10)

June Herremanson, Montana People Action, said that the 45-day period should not be changed to 30-days. Shortening time limits access.

Brad Martin, Democratic Party, said that they have four concerns; 1)discrimination, 2)ID required for absentee ballot, 3)changing 45-days to 30-days, 4)the third party being eliminated.

Andrea Shipley, WEEL, said that absentee ballots help voter turnout and the days should not be cut from 45 to 30. Cutting the days by one-third will affect the least mobile.

Veronica Small-Eastman, HD 6, said that she is opposed to this bill because it limits the constitutional right to vote, and it also limits the handicap and elderly.

Beth Brennan, ACLU, said that they are concerned with the ID requirements because religious minorities like the Hutterites do not have ID.

Joey Jayne, HD 73, said that she is opposed to this bill.

Verner Bertelsen, Montana Senior Citizens Association, said that they are opposed to this bill.

Don Judge, Sierra Club, said that they are opposed to this bill.

Questions from Committee Members and Responses: none

Closing by Sponsor:

REP. YOUNKIN said that there are many forms of ID that are acceptable. Social security numbers and drivers license numbers are already on file with the government, and they are solely used by the government. The third party pick up of request forms for absentee ballots is already illegal, this law just clarifies it. This bill will maintain and enhance the voting in Montana. We have a problem in Montana and we need to take care of it before it becomes a bigger problem. There is no reason why we should not show our ID. Rights have corresponding responsibilities and fraud affects the integrity of the system. **REP. YOUNKIN** read an editorial from the Wall Street Journal to the Committee.
EXHIBIT(sts52a11)

Motion/Vote: **SEN. SQUIRES moved that RESOLUTION FOR DILLON ARMORY DO PASS. Motion carried 5-0,** by voice vote.
EXHIBIT(sts52a12)

Exhibits 13 and 14 were handed out to the Committee at the beginning of the meeting, but were not referred to.
EXHIBIT(sts52a13)
EXHIBIT(sts52a14)

ADJOURNMENT

Adjournment: 5:30 P.M.

_____
SEN. JOHN COBB, Chairman

_____
LISA GALLAGHER, Secretary

JC/LG

EXHIBIT(sts52aad)

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **SEN. MIKE WHEAT**, on March 26, 2003 at 3:30 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Lisa Gallagher, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted: HB 620, 3/17/2003
Executive Action: HB 680; HB 602; SR 5; HB 609; HB 563

Pat Murdo explained to the Committee Sen. Cobb's amendment for HB 689.
EXHIBIT(sts64a01)

HEARING ON HB 602

Sponsor: REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 48, Great Falls

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 1.4 - 5.7}

REP. GALVIN-HALCRO said that this bill requires the Department of Transportation to establish guidelines for leasing agreements that encourage cost-efficiency and appropriate use in regard to their cars. The state rate structure needs to be fixed. The Heritage Commission Director made over $1,000 last year by using his own personal vehicle. There are problems with the motor vehicles and they need to be fixed.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 6 - 10.7}

John Blacker, Montana Department of Transportation, said that they are in full support of this bill. There are two kinds of vehicles that they have for lease; 1) the day lease fleet vehicles, of which there are about 200 vehicles and 2)the leasing program cars, of which there are about 600 vehicles. There are about 1,400 other vehicles that the Department of Transportation does not have any control over. There is a need to establish correct rates.

Opponents' Testimony: none

Questions from Committee Members and Responses:

SEN. SQUIRES asked **John Blacker** if the other 1,400 out there have any criteria. **John Blacker** said, "I don't think so."

SEN. SQUIRES asked **John Blacker** how these cars come about. **John Blacker** deferred to **Amy Sassano, Governor's Office**, who said they gathered the number 1,400 through a random survey. These cars are used by the DNRC, Fish Wildlife and Parks, and the University system. They are purchased through their budget.

SEN. SQUIRES asked **Amy Sassano** who pays for the company car. **Amy Sassano** said that agencies pay for vehicles through their budgets.

Closing by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 14.3 - 14.7}

REP. GALVIN-HALCRO said that this is a good bill that will help save the state some money.

EXECUTIVE ACTION ON HB 680

Motion: **SEN. GEBHARDT moved that HB 680 BE CONCURRED IN.**

Motion: **SEN. GEBHARDT moved that HB 680 BE AMENDED.**

Discussion:

Robert Throssell, Montana Clerk & Recorders Association and **Stuart Doggett, Montana Land Title Association,** and **Gail Abercombie, Montana Oil & Gas,** said that they have all came up with an agreement on this bill.

Pat Murdo explained the amendment to the Committee.
EXHIBIT(sts64a02)

Motion/Vote: **SEN. SPRAGUE moved that HB 680 BE CONCURRED IN AS AMENDED. Motion carried 5-0,** by voice vote.

SEN. WHEAT will carry HB 680 on the Senate floor.

EXECUTIVE ACTION ON HB 602

Motion/Vote: **SEN. SQUIRES moved that HB 602 BE CONCURRED IN. Motion carried 5-0.**

SEN. COBB will carry HB 602 on the Senate floor.

EXECUTIVE ACTION ON SR 5

Motion: **SEN. COBB moved that SR 5 BE AMENDED.**

Discussion:

SEN. COBB said that he would like to change Christian Hur's address from Billings to Missoula.

SEN. SPRAGUE said that he would like to make sure his address is correct.

Pat Murdo said that Christian Hur said that his address was in Billings, but he was going to school in Missoula.

SEN. COBB withdrew his motion.

SEN. WHEAT said that he had a concern, he looked at the legal memorandum and he interpreted it differently than legal counsel. The law does not talk about an extension. On procedural grounds

he will oppose this Senate Resolution. He said that he does not think that the law was followed, and nowhere does it allow for extensions. The procedures need to be followed and he said that he thinks that they were not followed in this case.

SEN. COBB said that he read the legal memorandum from Greg Petesch and he agreed with his interpretation. He believed that the Governor did what was within her limitations and that the procedure was followed correctly.

SEN. SPRAGUE said that he read the law and he believes that the Governor has the authority to appoint for one year and no more than four years.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.7}

SEN. SQUIRES said that her problem with Christian Hur is that he was not the top choice. He is the voice of 36,000 students and a lot of those students have asked that he not be reappointed. It is not appropriate to reappoint him because the students deserve the Regent of their choice.

SEN. COBB said that Christian Hur has never been confirmed. The process picked three students and then the Governor picked one. The students don't have veto power.

SEN. SQUIRES said that she agreed that he was not confirmed, but that is not the fault of the students and they should not be punished for it.

SEN. WHEAT said that if there is a perception that the process is not fair then that is something that the Committee needs to think about.

Motion/Vote: SEN. COBB moved that SR 5 DO PASS. Motion carried 3-2 with SENS. SQUIRES and WHEAT voting no, by voice vote.

SEN. COBB will carry SR 5 on the Senate floor.

EXECUTIVE ACTION ON HB 609

Motion: SEN. COBB moved that HB 609 BE CONCURRED IN.

Motion/Vote: SEN. COBB moved that HB 609 BE AMENDED. Motion carried 5-0, by voice vote.
EXHIBIT(sts64a03)

Motion/Vote: SEN. COBB moved that HB 609 BE CONCURRED IN AS AMENDED. Motion carried 5-0, by voice vote.

SEN. PEASE will carry HB 609 on the Senate floor.

EXECUTIVE ACTION ON HB 563

Motion: SEN. COBB moved that HB 563 BE CONCURRED IN.

Motion: SEN. COBB moved that HB 563 BE AMENDED.

SEN. COBB explained the amendment to the Committee.
EXHIBIT(sts64a04)

Vote: Motion HB 563 carried 5-0, by voice vote.

Motion/Vote: SEN. COBB moved that HB 563 BE CONCURRED IN AS AMENDED. Motion carried 3-2 with SENS. SQUIRES and WHEAT voting no, by voice vote.

SEN. STAPLETON will carry HB 563 on the Senate floor.

ADJOURNMENT

Adjournment: 4:25 P.M.

_____
SEN. JOHN COBB, Chairman

_____
LISA GALLAGHER, Secretary

JC/LG

EXHIBIT(sts64aad)

EXHIBIT 4
DATE 3/26/03
HB 563

Amendments to House Bill No. 563
3rd Reading Copy

For the Senate State Administration Committee

Prepared by Sheri Heffelfinger
March 21, 2003 (1:51pm)

1. Page 4, line 14.
Insert: "NEW SECTION. **Section 5. Coordination instruction.** (1) If House Bill No. 532 and [this act] are both passed and approved, then [section 3 of this act] amending 85-8-302, is void.

(2) If House Bill No. 190 and [this act] are both passed and approved, then [section 29] of House Bill No. 190, amending 13-13-213, is void."

- END -